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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,381	12/12/2001	Michael Wayne Brown	AUS920010818US1	2846
7590	03/10/2004		EXAMINER	
BIGGERS & OHANIAN PLLC 5 SCARIET RIDGE AUSTIN, TX 78737			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	9
DATE MAILED: 03/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/015,381	BROWN ET AL.
	Examiner	Art Unit
	Md S Elahee	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 31-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 31-41 have been fully considered but they are not persuasive.

Regarding claims 31, 35 and 39, the Applicant argues on page 2, line 22-page 3, line 3 that McAllister does not disclose "receiving, at an intermediary device, an authenticated caller identity for a call request from an origin device," "retrieving a caller profile for said authenticated caller identity" or "specifying a selection of services from among a plurality of services that are offered for said call request according to said caller profile". The examiner disagrees with this argument. Because, McAllister does disclose receiving, at a voice processor 20 (i.e., intermediary device), an authenticated caller identity for a call request from a caller telephone station (i.e., origin device) (fig. 1; col.6, lines 1-3, 24-43). Since, the spoken name of a caller is analyzed to identify a telephone number (col.7, lines 1-11), the caller of McAllister is inherently an authenticated caller. Furthermore, McAllister does also disclose retrieving a subscriber-specific information (i.e., caller profile) for the authenticated caller identity (col.7, lines 18-32, 55-67, col.8, lines 1-10); specifying the various services available to the subscriber on outgoing call (i.e., a selection of services from among a plurality of services that are offered for said call request) according to the caller profile (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10). Thus the rejection of the claim in view of McAllister remain.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Therefore the examiner has given the claim language its broadest reasonable interpretation.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31-33, 35-37, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al. (U.S. Patent No. 6,442,242).

Regarding claim 31, McAllister teaches receiving, at the voice processor 20, a spoken name for a call request from a caller telephone station (fig.1; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 1-11; ‘voice processor 20’ reads on the claim ‘an intermediary device’, ‘spoken name’ reads on the claim ‘authenticated caller identity’ and ‘caller telephone station’ reads on the claim ‘origin device’).

McAllister further teaches retrieving the subscriber-specific information for the caller name (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘subscriber-specific information’ reads on the claim ‘caller profile’ and ‘caller name’ reads on the claim ‘authenticated caller identity’).

McAllister further teaches specifying the various services available to the subscriber on outgoing call according to the subscriber-specific information (fig.1, fig.2,

fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘various services available to the subscriber on outgoing call’ reads on the claim ‘a selection of services from among a plurality of services that are offered for said call request’ and ‘subscriber-specific information’ reads on the claim ‘caller profile’).

Regarding claims 32 and 36, McAllister teaches that a caller name is identified by speech of the caller (fig.1, fig.2, fig.4; col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘caller name’ reads on the claim ‘authenticated caller identity’ and ‘identified by speech of the caller’ reads on the claim ‘authenticated by a voice utterance of said caller’).

Regarding claims 33, 37 and 40, McAllister teaches retrieving the subscriber-specific information from a database within the voice processor 20 (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘subscriber-specific information from a database’ reads on the claim ‘caller profile from a profile database’ and ‘voice processor 20’ reads on the claim ‘intermediary device’).

Regarding claim 35, McAllister teaches the voice processor 20 communicatively connected to a telephone network (fig.1; col.4, lines 58-65, col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-43, col.7, lines 1-11; ‘the voice processor 20’ reads on the claim ‘an intermediary device’ and ‘public switched telephone network’ reads on the claim ‘telephone network’).

McAllister further teaches receiving, at the voice processor 20, a caller name for a call request from a caller telephone station (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘voice processor 20’ reads on

the claim ‘intermediary device’, ‘caller name’ reads on the claim ‘authenticated caller identity’ and ‘caller telephone station’ reads on the claim ‘origin device’).

McAllister further teaches retrieving the subscriber-specific information for the caller name (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘subscriber-specific information’ reads on the claim ‘a caller profile’ and ‘caller name’ reads on the claim ‘authenticated caller identity’).

McAllister further teaches specifying the various services available to the subscriber on outgoing call according to the subscriber-specific information (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘subscriber-specific information’ reads on the claim ‘caller profile’ and ‘various services available to the subscriber on outgoing call’ reads on the claim ‘a selection of services from among a plurality of services that are offered for said call request’).

Regarding claim 39, McAllister teaches a database (col.6, lines 24-43; ‘database’ reads on the claim ‘recording medium’).

McAllister further teaches receiving a caller name for a call request from a caller telephone station (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 1-11, 18-32, 55-67, col.8, lines 1-10; ‘caller name’ reads on the claim ‘authenticated caller identity’ and ‘caller telephone station’ reads on the claim ‘origin device’).

McAllister further teaches retrieving the subscriber-specific information for the caller name (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘subscriber-specific information’ reads on the claim ‘a caller profile’ and ‘caller name’ reads on the claim ‘authenticated caller identity’).

McAllister further teaches specifying the various services available to the subscriber on outgoing call according to the subscriber-specific information (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; ‘subscriber-specific information’ reads on the claim ‘caller profile’ and ‘various services available to the subscriber on outgoing call’ reads on the claim ‘a selection of services from among a plurality of services that are offered for said call request’).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,442,242) and in view of Kawahara et al. (U.S. Pub. No. 2002/0184096).

Regarding claims 34, 38 and 41, McAllister fails to teach “retrieving said caller profile from a systems management server”. Kawahara teaches retrieving the user personal information from the user management server (page 13, paragraph 0239; ‘user personal information’ reads on the claim ‘caller profile’ and ‘user management server’ reads on the claim ‘systems management server’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow retrieving the caller profile from the systems management server as taught by

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Kawahara. The motivation for the modification is to have doing so in order to provide various services as desired by the caller.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [shafiu.lalam.elahhee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 308-5397(for formal communications intended for entry; please mark
"EXPEDITED

PROCEDURE")

(703)**306-5406**(for informal or draft communications, such as proposed amendments
to be

discussed at an interview; please label such communications "PROPOSED" or
"DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

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Arlington, VA.

Sixth Floor (Receptionist)

M.E.
MD SHAFIUL ALAM ELAHEE
March 7, 2004

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PRIMARY EXAMINER for
Fan Tsang